

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
ORANGEBURG DIVISION

UNITED STATES OF AMERICA)	CR. NO. <u>5:21-841</u>
)	
)	18 U.S.C. § 1343
vs.)	18 U.S.C. § 981(a)(1)(C)
)	28 U.S.C. § 2461(c)
)	
DAVID CORTEZ MARSHALL, JR.)	<u>INFORMATION.</u>

1. Beginning no later than October 2020, and continuing until at least February 2021 in the District of South Carolina and elsewhere, the Defendant, DAVID CORTEZ MARSHALL, JR., did knowingly devise a scheme and artifice to defraud and to obtain monies by means of false and fraudulent pretenses, representations, and promises, and during such period, in the course of executing said scheme and artifice, did knowingly transmit and cause to be transmitted in interstate commerce, by means of wire communications, certain electronic signals, such scheme and artifice and such wire communications being more fully set forth below.

THE SCHEME AND ARTIFICE

2. During the relevant time period, DAVID CORTEZ MARSHALL, JR. was employed by the Orangeburg County School District (“OCSD”) in Orangeburg, South Carolina, as a Media Communications Specialist. In 2020, when the COVID-19 pandemic initiated a transition from in-person to online learning, OCSD sought to procure video cameras to facilitate remote teaching.

3. It was part of the scheme and artifice to defraud that DAVID CORTEZ MARSHALL, JR. used his official position at OCSD to steer the purchasing of video cameras to

corporate alter egos he personally owned and controlled. In the course of his scheme, DAVID CORTEZ MARSHALL, JR. used corporate alter egos Flex Technologies, LLC, Level 8 Communications, and Orangeburg County Purchasing, LLC to conceal his identity and deceive others.

4. It was a part of the scheme and artifice to defraud that DAVID CORTEZ MARSHALL, JR. contacted video camera vendor Owl Labs in his official capacity to arrange for the purchase of eight hundred and seventy-five classroom video cameras. DAVID CORTEZ MARSHALL, JR., through the deceptive use of his corporate alter egos, then sold the cameras to the OCSD at a markup of over \$130,000.

5. It was a part of the scheme and artifice to defraud that DAVID CORTEZ MARSHALL, JR., in order to conceal his identity and scheme to defraud from Owl Labs and OCSD, assumed a false identity, generated false invoices and business records, and forged signatures.

6. It was part of the scheme and artifice to defraud that DAVID CORTEZ MARSHALL, JR. sent to Owl Labs a falsified South Carolina Department of Revenue tax-exempt form. DAVID CORTEZ MARSHALL, JR., through the deceptive use of his corporate alter egos, then sent OCSD an invoice demanding payment of approximately \$60,000 in South Carolina sales tax.

7. It was part of the scheme and artifice to defraud that DAVID CORTEZ MARSHALL, JR. succeeded in obtaining over \$550,000, through his false and deceptive procurement scheme, his generation of fraudulent tax records, and his retention of monies owed to Owl Labs.

COUNT 1

THE ACTING U.S. ATTORNEY CHARGES:

8. The allegations of paragraphs 1 through 7 of this Information are alleged herein as setting forth a scheme and artifice to defraud.

9. On each of the dates reflected below, in the District of South Carolina and elsewhere, DAVID CORTEZ MARSHALL, JR., for the purpose of executing the scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, as described above, did transmit and cause to be transmitted in interstate commerce by means of a wire communication, certain signals, writings, and sounds, a financial transaction as further set forth below:

Count	Check No.	Deposit Date	Description	Amount
1	12101	11/03/2020	Payment from Orangeburg County School District (South State Bank, Columbia, SC) to Level 8 Communications (BBVA USA, Birmingham, AL), endorsed by DAVID CORTEZ MARSHALL, JR.	\$472,810.94

All in violation of Title 18, United States Code, Section 1343.

FORFEITURE

WIRE FRAUD:

Upon conviction of violation of Title 18, United States Code, Section 1343, as charged in the Information, the Defendant, DAVID CORTEZ MARSHALL, JR., shall forfeit to the United States, any property, real or personal, which constitutes or is derived from proceeds traceable to such violation.

PROPERTY:

Pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), the property which is subject to forfeiture upon conviction of the Defendant for the offense charged in this Information includes, but is not limited to, the following:

Proceeds/Forfeiture Judgment:

A sum of money equal to all proceeds the Defendant obtained, directly or indirectly, from the offense charged in Count 1 of the Information, and all interest and proceeds traceable thereto, and/or such sum that equals all property derived from or traceable to his violation of 18 U.S.C. § 1343.

SUBSTITUTE ASSETS:


If any of the property described above as being subject to forfeiture, as a result of any act or omission of the Defendant –

- A. Cannot be located upon the exercise of due diligence;
- B. Has been transferred or sold to, or deposited with, a third person;
- C. Has been placed beyond the jurisdiction of the court;
- D. Has been substantially diminished in value; or
- E. Has been commingled with other property which cannot be subdivided without difficulty;

it is the intention of the United States, pursuant to Title 18, United States Code, Section 982(b)(1), incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other property

of the Defendant up to the value of the forfeitable property;

Pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).


M. RHETT DEHART
ACTING U.S. ATTORNEY (BBA)